

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.2333 of 2007

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Dt:08.02.2007

Between:

N.Venkat Reddy.

.. Petitioner

and

The District Registrar, Kurnool District, Kurnool and
others.

.. Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.2333 OF 2007

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ORDER:

Petitioner presented a sale deed, dated 01.02.2007 before the second respondent for registration. He is said to have purchased 300 square yards of land in Survey No.19 of Dinnevarapadu Village, Kurnool Mandal and District. The second respondent refused to accept the document for registration, through his endorsement, dated 01.02.2007. He stated that the Mandal Revenue Officer, Kurnool, third respondent herein, has addressed him a letter, dated 19.05.2005 stating that the land in Survey No.19, admeasuring Ac.59.90 cents, belongs to Wakf Board and no documents shall be registered

in respect of the said land. The petitioner challenges the endorsement, dated 01.02.2007.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue, at admission stage.

The only ground, on which the second respondent refused to register the document presented by the petitioner, is that the third respondent has addressed him a letter, dated 19.05.2005, stating that the land is part of Survey No.19, which is said to be held by the Wakf Board. Broadly stated, the letter addressed by the third respondent is referable to the provisions of Section 22-A of the Registration Act (for short 'the Act'). Under that provision, the Government, and not any revenue official, was empowered to notify and declare the lands and prohibit registration of the documents for transfer thereof. The said provision has been declared as illegal and unconstitutional by a Division of this Court in W.P.No.14099 of 2003 and batch (*K. RAMA DEVI V. PRINCIPAL SECRETARY, REVENUE DEPARTMENT, HYDERABAD*), following the judgment of the Supreme Court in ***STATE OF RAJASTHAN V.***

BASANT NAHATA¹.

Even while Section 22-A of the Act was in force, the third respondent was not vested with any power under it. When the very provision was set aside by this Court, the question of any authority, including the State Government, prohibiting the registering authority from accepting any document for registration, in respect of any identified Survey Numbers, does not arise.

For the foregoing reasons, the Writ Petition is allowed and the endorsement, dated 01.02.2007, issued by the second respondent is set aside. Consequently, he shall receive the document presented by the petitioner and process the same, in accordance with the provisions of the Indian Stamp Act and Registration Act. There shall be no order as to costs.

08.02.2007

Note: Issue C.C. in three days.

(B/o)

JSU

¹. (2005) AIR SCW 4456